UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,727	07/29/2003	Guy B. Olney	7784-000650	7519

65961   7590   04/01/2008
HARNESS DICKEY & PIERCE, PLC
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/7/07*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's response filed November 7, 2007. Applicant's amendment amended claims 1-25. Currently Claims 1-25 are pending.

Response to Amendment

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

The 35 U.S.C. 101 rejection of Claims 1-25 is withdrawn in light of the Applicant's amendments to Claims 1-25.

Response to Arguments

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Best

Practice for Service Support (BPSS, 2000).

        Regarding Claim 1 BPSS teaches a system and method of managing information

technology (IT) computer support services and processes comprising (Figures 1.1, 1.3,

2.1, 5.1, 5.2, 6.1, 6.3, 6.4, 7.7, 7.8, 7.9, 8.1, 9.1, 9.4):

        - defining each of the IT computing services as one or a transaction and a

change to a computing environment (Section 1.7, Page 7; Sections 2.2-2.6, Pages 12-

15; Last Two Paragraphs Page 71; Pages 154, 169, 173, 231-232);

        - defining each of the It computer support services *as one of* (Section 5.3.5,

Page 76; Section 6.2, Pages 95-96; Section 8.2, Pages 166-168; Section 8.3.1, Pages

173-175; Section 8.5.9, Pages 187-188; Section 8.5, Pages 190-191):

        - an information delivery process for delivering computing transactions to end

users (Pages 71, 95, 231-232);

        - an environment build process for delivering changes to a computer

environment which delivers computing transactions (change management, configuration

management, incident management, problem management, release management;

Pages 11-12, 16; Section 9.3.8, Page 211; Section 9.5, Page 221; Figures 6.1, 7.8,

9.1);

  - a process for finding and fixing service and process defects associated with the

information delivery process (incident management, problem management; Pages 13,

71, 95, Section 8.5.9, Pages 187-188; Figures 6.1, 6.4, 7.8); or

  - a process for find and fixing service and process defects associated with the

environment build process (Section 7.9.3, Page 154; Section 9.2, Pages 203-204;

Figures 7.7, 7.7, 9.1, 9.4); and

  - using the defined processes and defined services to analyze the IT computing

support services and IT computing support processes (Pages 10, 88, 106-108, 110-111;
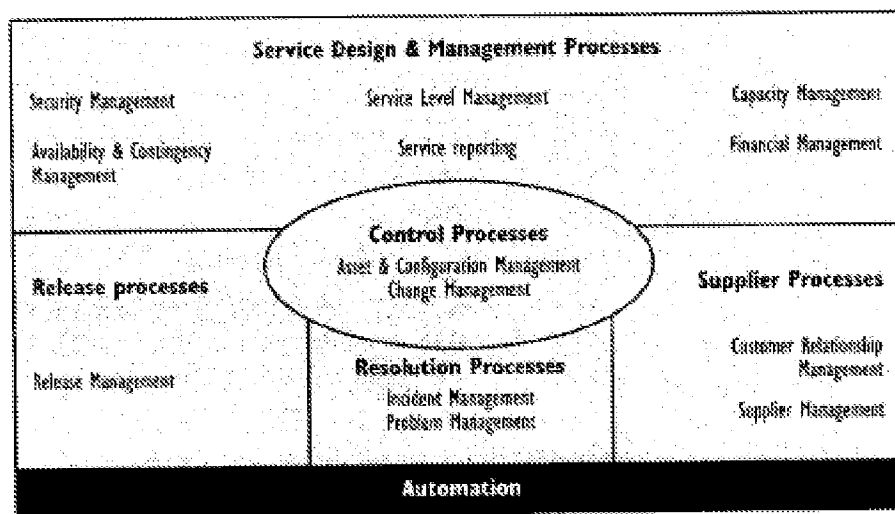
Section 8.3.3, Page 176).
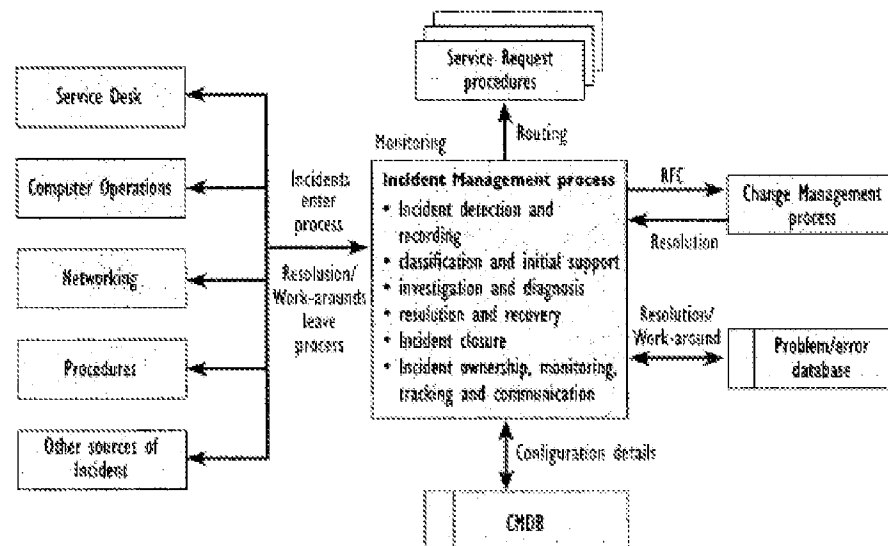

Figure 1.3 – PD0005 Service Management processes
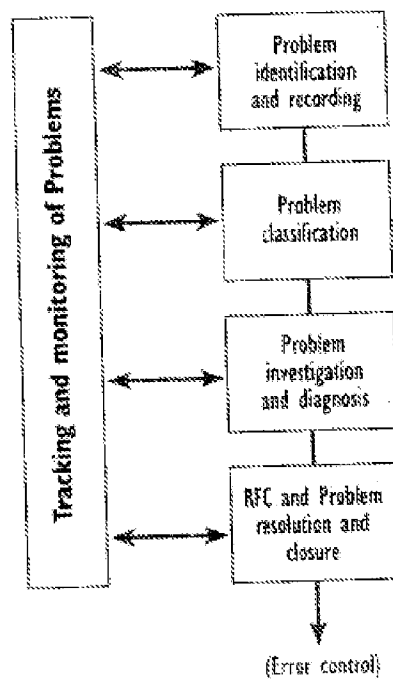
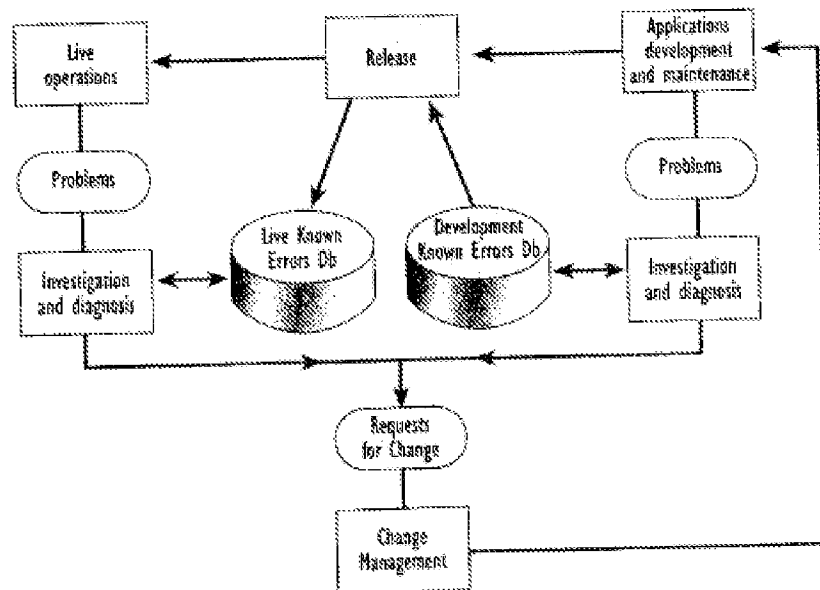Figure 5.1 – Incident Management process

Figure 6.1 – Problem control

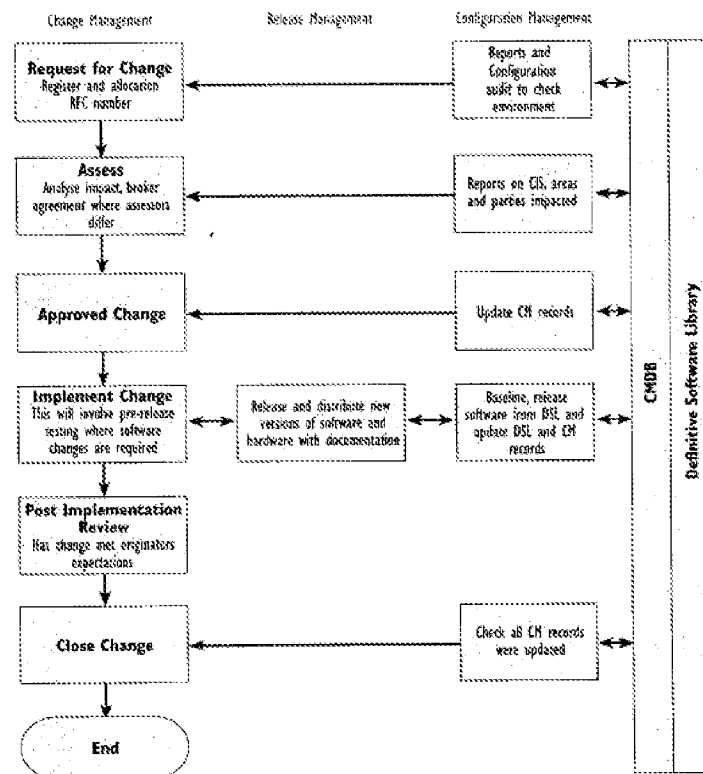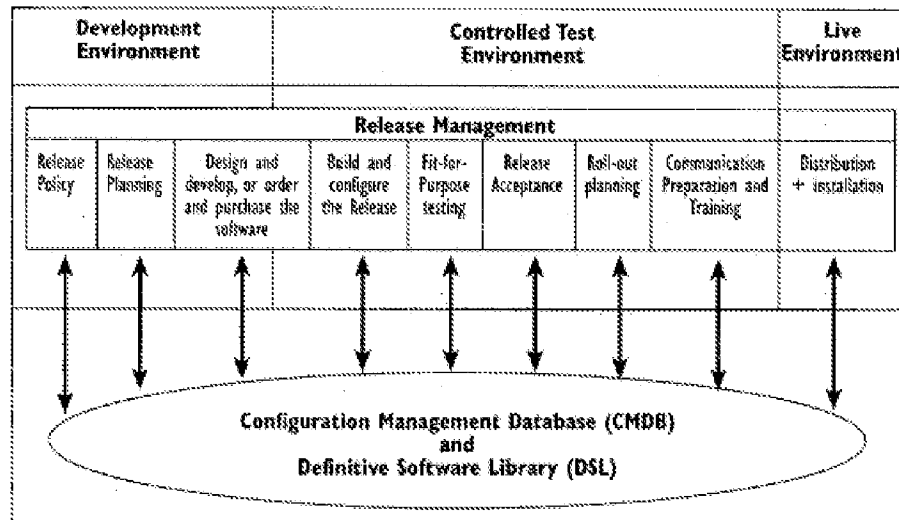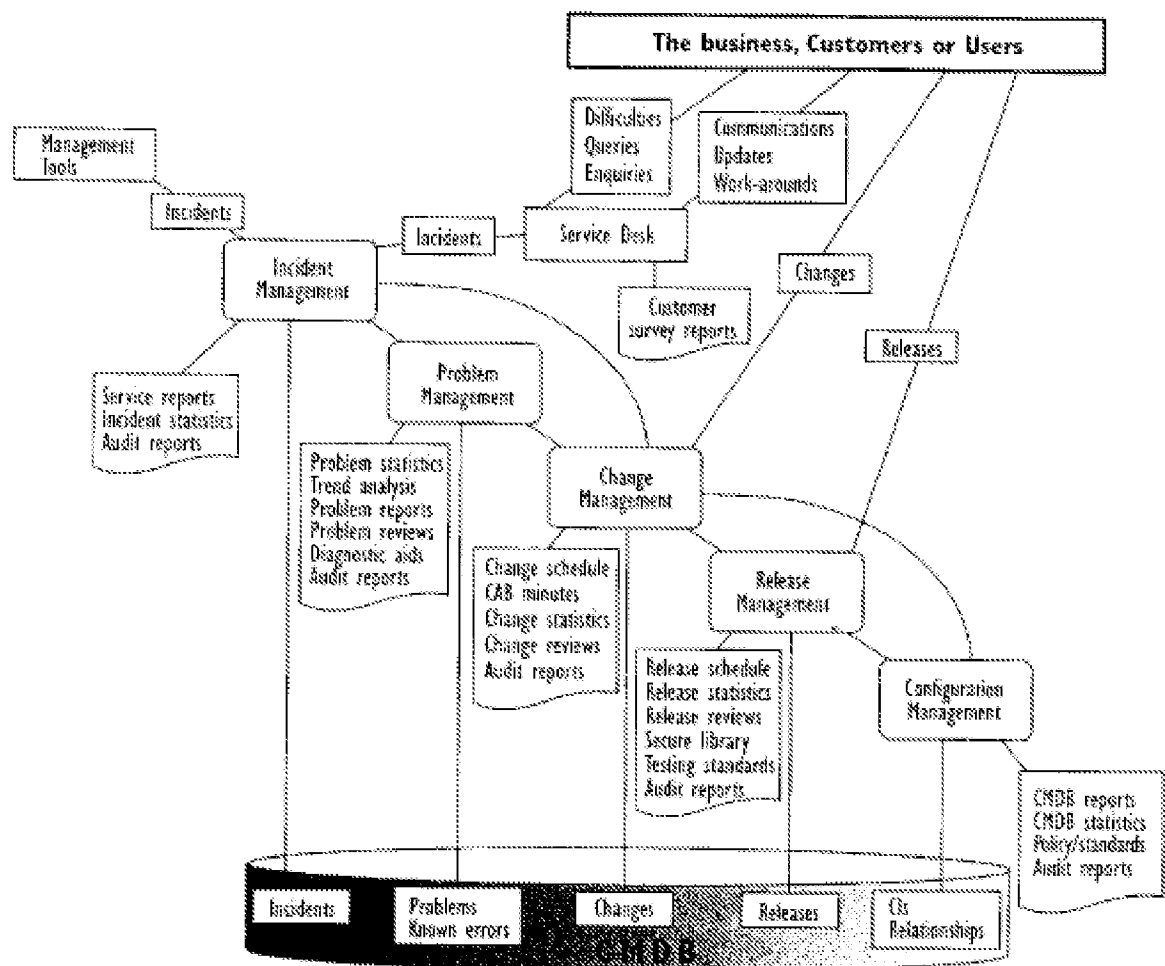Figure 6.4 – The error cycle in the live and development environments

Figure 7.9 – Relationship between Configuration, Change and Release Management

Figure 9.1 – Major activities in Release Management

APPENDIX F: THE SERVICE SUPPORT PROCESS MODEL

Regarding Claims 2 and 19 BPSS teaches a system and method for managing IT support services and processes wherein defining a computing support process includes defining each lower-level computing support process as a portion of one of the information delivery process, the environmental build process, the process for finding and fixing defects associated with the information delivery process, or the process of finding and fixing defects associated with the environment build process (incident management, problem management; Pages 12, 71; Section 7.3.7, Page 124; Figures 7.1, 7.2, 7.3, 9.2).

Regarding Claims 3 and 20 BPSS teaches a system and method for managing IT support services and processes wherein defining a computing support service includes defining each lower-level computer service as one of a computing transaction and a change to a computing environment (Pages 12, 71, 112; Section 8.5.9, Pages 187-188; Figures 7.1, 7.2, 7.3, 9.2).

Regarding Claim 4 BPSS teaches a system and method for managing IT support services and processes further comprising managing quality of the information delivery and environment build processes by performing the processes for finding and fixing service and process defects (change management, incident management, problem management; Pages 71, 95; Section 8.5.9, Pages 187-188; Section 8.5.11, Pages 190-191; Appendix D).

Regarding Claims 5-9, 17 and 24 BPSS teaches a system and method for managing IT support services and processes wherein the processes for finding and fixing service and process defects include correction action, data analysis and preventive action for the information delivery and environment build processes (Section 5.9, Page 88; Section 6.8.2, Pages 110-111; Bullet 1, Page 103; Pages 101-104, 106-108, 111-112, Figures 5.5, 6.3); wherein the correction action includes service restoration, defect management (Section 5.6.4, Pages 84-85; Figure 5.5); wherein the data analysis includes analyzing data generated by correction and preventive actions (Section 9.7.1, Pages 229-230; Section 8.7, Pages 197-199) and wherein the data includes quality, cycle time, unit cost, reactive trends and productivity data (Section 9.7.1, Pages 229-230; Section 8.7, Pages 197-199; Pages 81-84, 101-104, 110-111).

Regarding Claim 10 BPSS teaches a system and method for managing IT support services and processes wherein preventive action includes root cause analysis (Section 6.6.3, Page 104; Section 5.6.3, Pages 83-84; Section 6.3.4, Page 98; Pages 106-108; Figure 6.3).

Regarding Claims 11 and 18 BPSS teaches a system and method for managing IT support services and processes wherein managing quality ensures generally continuous process improvement (Section 1.1.4, Page 2; Pages 71, 95, 98, 284; Appendix D; Figures D.1, D.2).
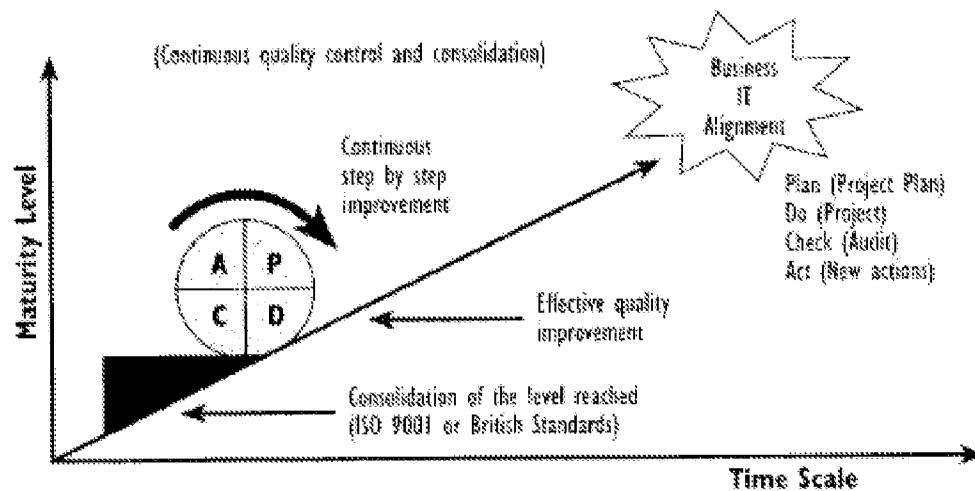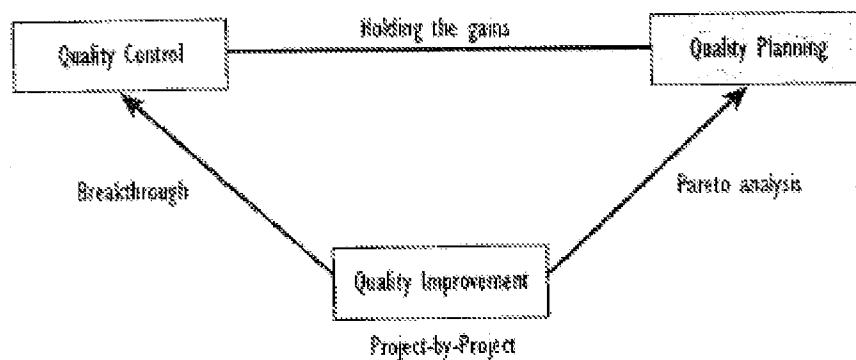
Figure D.1 – The Deming Cycle

Figure D.2 – The Quality trilogy

Regarding Claim 12 BPSS teaches a system and method for managing IT support services and processes wherein the generally continuous process improvement includes (Pages 11-3; Chapters 5 and 7-9; Figures 5.5, 7.9, 9.1):

- a change management process for change a process (Section 5.3.3, Pages 76-77; Figure 5.5); and

- a process for changing a product (e.g. software, hardware, etc.) including

advising a supplier of a defective product, receiving an improved (corrected) product

from the supplier and installing the improved product to the computing environment

through the environment build process (configuration management, release

management; Section 8.5.9, Pages 187-188; Figures 6.4, 7.9, 9.1)

Regarding Claim 13 BPSS teaches a system and method for managing IT

support services and processes wherein managing quality includes generating a record

(Pages 67, 92, 101, 182; Section 6.7.3, Page 108; Section 5.6.1, Pages 80-81; Section
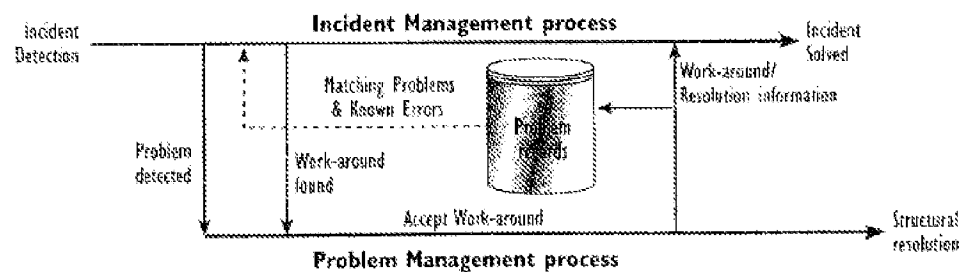
8.5.2, Page 182; Figure 5.5).

Figure 5.5 – Handling Incident Work-arounds and resolutions

Regarding Claim 14 BPSS teaches a system and method for managing IT

support services and processes wherein the process for finding and fixing service and

process defects includes infrastructure performance management process (Section

5.6.2, Pages 81-83; Pages 101-104, 105-108).

Regarding Claim 15 BPSS teaches a system and method for managing IT support services and processes further comprising mapping (associating, linking, relating, etc.) components of quality a quality management standard to the defined processes (Appendix D; Figures D.1, D.2); and implementing the quality standard with reference to the mapped components (Page 112; Figure 9.2; Appendix D).

Regarding Claim 16, claim 16 recites similar limitations to Claims 1 and 4 and is therefore rejected using the same art and rationale as applied in the rejection of Claims 1 and 4.

Regarding Claim 21, claim 21 recites similar limitations to Claims 1-3 and is therefore rejected using the same art and rationale as applied in the rejection of Claims 1-3.

Regarding Claim 22 BPSS teaches a system and method for managing IT support services and processes wherein the information delivery process is generally automated and transparent to the end users (Pages 88, 155, 199; Appendix F).

Regarding Claim 23 BPSS teaches a system and method for managing IT support services and processes wherein a change to a computing environment includes one or more of a hardware, software, data, user or computing environment change (Pages 108, 134, 168-170, 173, 217).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parnell et al., U.S. Patent No. 6,502,009, teach a system and method of managing information technology computing support services and processes (e.g. service desk).

- Robison, Using Cost of Quality with Root Cause Analysis and Corrective Action Systems (2000), teaches a system and method of managing information technology

support services and processes comprising a process for finding and fixing defects

including correction action, root cause analysis and data analysis.

- Sirkin et al., Fix the Process, Not the Problem (1990), teaches a method of

managing IT computing support services and process comprising find and fixing

process and service defects.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SCOTT L. JARRETT whose telephone number is

(571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM -

5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3623